

## Remarks

### I. Introduction

This is in response to the Office Action dated March 5, 2008.

The Office Action rejected claims 1, 8, 9, 18, and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,577,628 to Hejza (Hejza). The Office Action rejected claims 2-7, 10-17, and 19 under 35 U.S.C. §103(a) as being unpatentable over Hejza in view of U.S. patent No. 7,024,480 to Weik (Weik).

In response, Applicants have amended claims 1, 4, 6, 7, 10, 18, and 19. No new matter has been added. Claims 1-20 are pending.

### II. Rejections under 35 U.S.C. § 102

Independent claims 1 and 18 were rejected as being anticipated by Hejza. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Hejza does not show each and every limitation of independent claims 1 and 18. Therefore, applicants request the withdrawal of the rejections under 35 U.S.C. §102(b).

The present invention relates to establishing a network connection by requesting different IP addresses for different types of connections. The type of connection being established is indicated by a quality of service parameter in a request for the connection. For example, the quality of service parameter may indicate whether the requested connection is for a multimedia connection or a data connection. As described at page 16, line 17-21 of the specification, a request for a first or second network address may be implemented by a media access controller (MAC) using a first or second MAC address, respectively. Accordingly, when a multimedia connection is requested, a request is sent from

the MAC for a first network address using a first MAC address. When a data connection is requested, a request is sent from the MAC for a second network address using a second MAC address. As described at page 12, lines 11-20 of the specification, a MAC typically has a single MAC address. However, in this invention, a MAC is assigned two MAC addresses, which are used to request two different types of IP addresses.

Independent claims 1 and 18 have been amended to recite the above described aspects of the present invention. In particular, independent claims 1 and 18 have been amended to recite the limitation of “sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter.”

Hejza does not disclose the limitations of independent claims 1 and 18, as amended, and therefore does not anticipate these claims under the strict anticipation standard of §102.

Hejza is directed to implementing Quality of service (QoS) in a network environment in which client connections are maintained for limited periods of time. As described in Hejza, packet forwarding devices forward packets of a particular class of service by assigning a network address to a client based on the particular class of service. As described at column 5, lines 8-21, dynamically allocated network addresses are used by packet forwarding devices to differentiate between packet traffic of different service classes, so that traffic originating from or destined for a client having a dynamically allocated network address can be prioritized based on the service class associated with the clients dynamically allocated network address. As described at column 5, lines 35-38, MAC addresses can be used as an alternative to dynamic traffic network address allocation for traffic differentiation.

Although column 5, lines 35-38 of Hejza states that MAC addresses can be used for traffic differentiation, Hejza does not describe a single media access

controller being assigned two different MAC addresses. As described above, a media access controller typically has a single MAC address. Accordingly, in Hejza, the MAC address for each packet corresponds to a MAC address of a device that the packet originated from or is destined to, and MAC addresses are used to determine a service class for each packet on the basis of the service class associated with the device. Hejza discloses determining service classes of traffic based on MAC addresses, but does not disclose selecting different MAC addresses based on a quality of service parameter. Hejza does not disclose any media access controller that is assigned two MAC addresses. Moreover, Hejza does not disclose sending a request for a network address from a single media access controller using different MAC addresses. Therefore, Hejza fails to disclose “sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter,” as recited in independent claims 1 and 18.

Thus, for the reasons discussed above, independent claims 1 and 18 are allowable over the cited art. Since each of claims 2-9 and 19-20 depend from an allowable independent claim, claims 2-9 and 19-20 are also allowable.

### III. Rejections under 35 U.S.C. § 103

Independent claim 10 was rejected as being unpatentable over Hejza in view of Weik. In order to “establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. Neither of the cited references, either alone or in combination, teach all of the claim limitations of independent claim 10. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §103(a).

Independent claim 10 is directed to apparatus, and recites the following limitations:

- a media access controller (MAC) having a plurality of MAC addresses;
- a requesting agent to connect to said MAC, said requesting agent to send a first request for a network address; and
- a driver module to connect to said MAC and said requesting agent, said driver module to receive said first request and determine whether said first request is for one of a multimedia connection or data connection, said driver module to instruct said MAC to send a second request for a first network address using a first MAC address if said first request is for a multimedia connection, and to send a second request for a second network address using a second MAC address if said first request is for a data connection.

As described above with respect to independent claims 1 and 18, although Hejza describes traffic class differentiation based on MAC addresses, Hejza does not disclose a media access controller that has multiple different MAC addresses assigned thereto. Therefore, Hejza fails to disclose “a media access controller (MAC) having a plurality of MAC addresses,” as recited in independent claim 10.

Weik is directed to transmitting data with an assured quality of service. As described in Weik, a terminal requests from a gateway a communication connection to a communication partner facility with a predefined quality of service. The gateway then request from the data network the communication connection with the predefined quality of service. The gateway establishes the communication connection via the data network is the data network can provide the predefined quality of service, or via a switched telecommunication network if the data network cannot provide the predefined quality of service. Weik does not disclose any media access controller that has more than one MAC addresses. Therefore, Weik also fails to disclose “a media access controller (MAC) having a plurality of MAC addresses,” as recited in independent claim 10. Accordingly, neither Hejza nor Weik, separately or in combination, teach “a media access

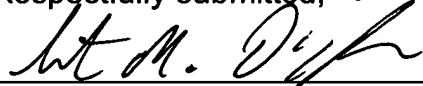
controller (MAC) having a plurality of MAC addresses," as recited in independent claim 10.

Thus, for the reasons discussed above, independent claim 10 is allowable over the cited art. Since claims 11-17 depend from allowable independent claim 10, claims 11-17 are also allowable.

#### IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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